p2877

G. R. S. IX-5]

Previous references. 1897-98

192.

(12)

File No. 115

Serial Nos. 166.

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 166.

Index Part B for June 98

SUBJECT.

Appeal of Amanullah Khan regarding the Khanship of Kunduz Narrative

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Indexed

WD 2[illegible]—GPS—20,000—1-6-20

Precis.

Petn of [illegible] 8-'97
L. D. 115-97
A.J. No 14 of 1897-98.

Petr Ananthaiamiah, alias
Jammiah of
Hassan Kasba
Hassan District.

Subject:— Appeal against Dy Commrs order dy 4-6-1897 — refusing to grant petitioner in charge of one of the three Scales of the Hassan Kasba Firka.

Facts of the Case.

On 13-5-'87 the Dy Commr of Hassan District issued an order appointing one Venkata-Subbiah, Shanbhogue of the neighbouring Firka of Chanajatna, as Shanbhogue of the Hassan Kasba Firka in place of Sivaramayya who was dismissed (from service) for embezzlement of Revenue collections.

On 12-10-'90 Chikkam-Lacappa, Son of Maji Peria Gadar Sivaramayya submitted a petn to the Govt authorities

× vide Order No 170 on Precis No 17 (4) (22).

× vide Precis No 17 (45) (1).

authorities praying that he may be appointed as Shanbhogue of one of the three Scales of Hassan Kasaba Pirka, recently formed.

On 24-10-99 Nanjappa, son of Timmappayya presented a petn to the Dalvi authorities, stating that his father and the then Sarvaradkar M. Venkata-Subbiah's father Krishnappa were the two Pakdars to the Shanbhogue of Hassan Kasaba Pirka and prayed that the then officials Venkatasubbiah, he and his brother Anantharamiah alias Jammiah may be put in charge of the three Scales respectively of the Hassan Kasaba Pirka. To strengthen his claim Nanjappa produced the following records:—

(1) A Sirpav granted by Nawab Hyder Ali Khan Bahadur on the 11th day of Karthika Bahula of Vikruti year appointing Lakshmaya great grand father of Nanjappa the above petr, to the Shanbhogue of Hassan Attavane.

(2) Copy of Sanadabasthi Register of 1840 showing the names of Krishnappa and Timmayya under the head "Anubhavadars."

× vide Period No 1 — (4) (5).

× of these (1), (3), (4) & (5) are amongst the enclosures to Ananthoramiah alias Jammiah's appeal petn to this office and (2) is not forthcoming

(3) An attested copy Shanbhogue Krishnappa's deposition dtd 9-12-'40 to the effect that he and his uncle Timmappayya were the two Hakdars and that he was doing the duties of the office and paying 4 Varahas to his uncle.

(4) An attested copy of Timma-ppayya's petn dtd 14-12-'40 to the Taluk stating that he is the Hakkadar Shanbhogue and not Krishnappa.

(5) An attested copy of Krishnappa's deposition dtd 12-1-'41 recognizing the coordinate right of his uncle Timmappayya to the Shanbhogue.

On 7-1-'41 Chikkanbarayya, Son of Siddarayya deposed before the Amildar to the effect that the then officiator's father Krishnappa, Narayya and his father Siddarayya were brothers the last being the eldest; that as his father had another employment his uncle Krishnappa was officiating as Shanbhogue; that in 1882 after his return to Hassan his nephew Siddarayya was appointed Shanbhogue of 3 villages of the Nadu and was subsequently dismissed for embezzlement of Revenue collections; that he had a coordinate right with that of the then officiator Venkatasubbiah; that

(X)

× vide Memo No 17 (Ag) (1) A(2).

that his family which was undivided for three generations was divided only 5 years back; & that as he was one of the Hakdars he may be put in charge of one of the 3 scales of the Firka, as Gumastha for the Baramaddar, the Baramad being made in the name of his elder son Timmarayappa, a minor aged 10 years, and produced a genealogical table noted in the margin on the reverse. (x) × vide Pheriat No 17 (49) (3).

On 28.5.'91 Chinnambarayya submitted a petn to the Dy Commr × vide Pheriat No 17 (49) (4).
urging his claim for one of the three Scales of the Hassan Kasaba Firka. This was forwarded to the Amildar for disposal.

On 2-6-'91 Subbaraya, Son of Kesavayya submitted a petn to the DC stating that he was a Haikundar Shanbhogue and praying that his claims might be considered in Selecting persons for the three Scales of the Firka. × vide Pheriat No 17 (49) (5).

In March and May '92 the Amildar issued notices to Venkata-Subbiah, Shanbhogue of Hassan Kasaba Firka, directing him to choose one of the three Scales of the Firka for himself and to report the names of competent men for the other two Scales and also to produce any papers that he had vide Pheriat No 17 (49) (24) & (9)

had in connection with the claims of Chittambaraya and Nanjappa.

On 4.5.'92 Venkatasubbiah appeared before the Amildar to the effect that Chittambaraya had no right to the office as his elder brother's son Sivaramayya had been dismissed from service for misappropriation of Govt: money; that Nanjappa had no claim whatever as it was not recognized by the then Deputy Commr: in O.S. No 11 of 1877-78 and also by the Commissioner Ashtagram Division on appeal and that he was not able to produce the copies of the two decisions, as they were not given to him, even though applied for.

On 20.5.'93 the Amildar submitted the usual correspondence to the Dy Commr: for orders observing at the same time that the decisions above referred to were not forthcoming in the Talgoor District office.

On 6.8.'93 Nanjappa, son of Timmappayya presented a petition to the Dy Commr: urging

the

× vide Phrist No 17 (49) (17)

× vide Phrist No 17 (49) (23).

× vide order No 1570/74 dt 29.6.92 in Phrist No 17 (49) (20).

× vide Phrist No 17 (49) (28)

the claims of his brother and himself for the Shanbhogue of two of the three ideals of the Hasean Firka on the ground that his father and afterwards he and his brother were sharing the mirasi of the Shanbhogue with the officiator and produced authenticated copies of judgment and decree in O.S. No. 330 of 1876 on the file of the Hassan Munsiff's Court, passed in favour of Plaintiff Nanjappa and Anantharamiah directing that the Defendant Venkatasubbiah should pay with costs the arrears amount due to the Plaintiff for the years 1873-'74 & '75.

× These are amongst the enclosures to Anantharamiah alias Tammiah's appeal petn. in this office.

On 5-12-93 the Dy Commr. issued an order directing Venkatasubbiah to produce the records said by him to be unfavourable to Nanjappa.

× vide order No. 412 on Pleint No. 17 (47) (23).

On 7-7-94 Venkatasubbiah produced an unauthenticated copy of Judgment in Rev: Regular Appeal No. 6 of 1873-74 on the file of the Assistant Division Comrs. Court upholding the decision of the Dy Commr: in O.S. No. 11 of 1877-78 on the file of his court, and stated that he was not able to produce an authenticated

× vide Pleint No. 17 (47) (27).

× vide Pleint No. 17 (47) (29)

authenticated copy as the original records were not forth-coming in the Mysore Dt.

In July 95 Chikmanbariah filed a suit against (1) Venkatasubbiah (2) Kesaviah (3) Krishnappa and (4) Nanjundiah in the Court of the Dy Commr: Hassan Dt claiming his own share of the Sambhogee of the two Pirkas of Hassan Kasaba and Channapatna on the following grounds:—

(1) That the Plaintiff's family which was undivided for a long time was divided only on 8-12-'84.

(2) That the hereditary Shambhogee of the said two Pirkas was left undivided with a view to have it done subsequently.

(3) That Plaintiff's uncle Nanjappa died issueless.

(4) That Plaintiff & his brothers viz Defendants (2), (3) & (4) were entitled to one half of the Shambhogee, the 1st Defendant to the other half, and that he put his brothers down as Defendants as they did not agree to be Plaintiffs.

and (5) That the cause of action arose 3 years back.

and also produced a copy of the Partition Deed. This deed is in the file and does not seem to contain anything about the partition of the Shambhogee.

The Dy Commr: referred the case

to

X vide Pleader's No 17 (1) & (2).

X vide Pleader's No 17 (3) to (5) inclusive

to the Treasury Assistant Commr.
for disposal. Notices were accordingly × vide Pheriat Nos 17 (23) (24) (25) &
served on the parties concerned
directing them to present themselves
before the Treasury Asstt
Commr: for hearing.

On 17-8-'95 Nanjappa
and Arumuganaick alias Jamnaik
once more represented their claim × vide Pheriat No 17 (49) (31).
to the Dy Commr:

On 28-8-'95 Kesavayya
submitted a petn to the Dy Commr: × vide Pheriat No 17 (49) (32).
stating that he was the Haddadar
Shanbhogue of the three villages
of the Hassan Kasaba Sirka; &
that as he was in Govt: employ
he had the Baravadh drawn
up in the name of his son,
who for negligence in duty was
dismissed from service and
prayed that the Shanbhogue
of the said three villages might
be confirmed to him.

Chittambarayya's case
was, after several adjournments
owing to nonservice of summonses
etc, struck off the file × vide Pheriat Nos 17 (28) & (29).
owing to the non-appearance
of the parties or their advocate
on 21-7-'96.

Meanwhile on 29-6-96, in
reply to their petn, Venkatachelah,
Nanjappa & Arumuganayya, and
Kesavayya were directed to await × vide Pheriat No 17 (49) (30).
decision in Chittambarayya's
case.

On

× vide Pheriat No 17 (15).

On 17-8-'96 Chittambaram presented a petn × to the Dist Court Examr praying that his case might be taken on file again as he was not able to present himself on 21-7-'96 owing to his illness. This prayer was complied with and notices × were accordingly issued and served on the parties directing them to present themselves for hearing on 7-9-'96.

× vide Pheriat Nos 17 (32) (36) + (46).

On 7-9-'96 Venkatasubbiah submitted a written statement, in reply to the plaint of Chittambaram, to the effect (a) that neither the Plaintiff nor his brothers or father did not establish their claim to the Shanbhogie of Hassan + Channapatna Firkas by discharging the duties thereof, but that the 1st defendants father was Baravarddar and discharged the duties of the office for 45 years and that after the fathers death the Baravardda was drawn up in the name of the 1st defendant who was also doing the duties of the office; (c) that as the said Shanbhogie solely vested in the 1st defendant, it was not included with ancestral

× vide Pheriat No. 17 (34).

property

property at the time of partition;
and that if it did really form
part of the said property, there
was no reason why it should
not have been then divided;
that, notwithstanding this, the
1st defendant, on a request
from the Plaintiff and his
three brothers the defendants 2, 3 & 4,
had the Shanbhogue of the
three villages of the Hanean
Kasaba Pirka transferred to
2nd defendant's son,
Sivaramayya reserving
for himself the Shanmpatha
Pirka and that the said
Sivaramayya was dismissed
and imprisoned
from service with luck for
misappropriation of Govt. money,
the office having been retransferred to 1st defendant.
and that consequently the
Plaintiff and 2nd, 3rd & 4th defen-
-dants had, through their own
fault, forfeited their right;
and (4) that for this reason
the Plaintiff's application for the
office had been rejected by the
Amildar.

Owing to the non-appearance
of the 3rd & 4th defendants the
case was adjourned to 12.9.'50, × vide Plaint No 1, (5).
on which date the 2nd, 3rd & 4th defen
-dants, not having presented
themselves, were subjected to
Ex-parte decision, the case was
again adjourned and the
following

× vide Pleint № 17 (17)

following issues were framed—

(1) Is the Plaintiff a Hissedar to the Shanbhoge in dispute? If so to what Hissa is he entitled?

(2) Is the suit barred by the Law of Limitation.

(3) How far are the points stated in the written statement true?

(4) If the Plaintiff and defendants are related to one another, are they divided or undivided?

(5) How long and under ~~under~~ what grounds has the defendant been enjoying the Shanbhoge in dispute.

× vide Pleint № 1 (41)

On 30-10-'96 a notice was issued to Lakshminarayana Shastri Acharya to present himself before the Treasury Asst Commr: on 5-11-'96. This was duly served.

× vide Pleint № 17 (11) & (12)

On 5-11-'96 Venkatasubbiah in his deposition before the Treasury Asst Commr: ~~in no way~~ confirmed the genealogy of the family given by Chittambaraya promised to produce the original Registered Partition Deed and stated that the Plaintiff was present at the time of the partition; that 2 or 3 years before the partition Sivarama was appointed Shanbhogue of the Hassan Kasaba Pirka; that the Pirka was not split into two divisions at the time of Sivaramaya's appointment;

appointment, but was split subsequently; that he did not know the amount of revenue recovered from the Hassan Kasaba and Shanmapatna Firkas; that Sivaramayya was appointed Shanbhogue ~~and~~ as the whole duty could not be done by one only and as it was not advisible to bring in a Stranger as Gumastha; that after Sivaramayya's dismissal from Service, the whole duty devolved on him; that he had no objection to the appointment of Plaintiff as Shanbhogue if the Govt. so direct it. (Mtn. This deposition is not signed by Venkatasubbiah or the Officer before whom the deposition was taken)

On 20.12.'96 the Jy Asstt Commr: directed the Amildar to submit an extract from the Kasabahalli Register. This was duly submitted. In this extract from the Register of 1857-58 it is stated that Krishnappa was the Sole Shanbhogue and officiator; that he was discharging the duties of the office since 1839; that after his death in 1873 his Son Venkatasubbiah succeeded him; that in 1881 with the consent of Venkatasubbiah, Sivara-

x vide Pleader No 17 (48).

x vide Pleader No 17 (49).

-mayya

- nayya was appointed Shanbhog of 3 of the villages of the Firka, the rest being given to Venkatasubbiah -ayya; and that in 1887 owing to the dismissal of Sivaramappa from service, Venkatasubbiah was appointed Sanbhogar of the whole Firka.

After several adjournments the case came on for hearing on 23.2.97 and on 27-2-97 Judgment was delivered dismissing the suit with costs and a decree accordingly granted.

On 10.3.97 Nanjayya and Anantaramiah also Inamdars submitted a petn to the Dy Commr urging their claims to two of the three scales of the Hassan Kasaba Firka and stated that, in addition to the evidence already adduced before the Amildar in their favour, in the Shanbhogue Miras Patti mention was made of the receipt of a Nirasi of 4 Varahas by their father Timmayya.

On 31.3.97 Chikkambaiah appealed to the Dy Commr against the Asst Commr's Judgment and Decree on the following grounds:-

(1)

× vide Pheist No 17 (18)

× vide Pheist No 17 (52) to (56).

× vide Pheist No 18.

× This is one of the enclosures in Anantaramiah's petn to the Govt.

× vide Pheist No 3.

(1) That the Lower Court was wrong in holding that the office of a Sivaramiah was not divisible and that it should descend from father to son in the eldest male branch, (2) that the appellant's claim through Sivaramiah was not recognizable, (3) that the appellant did not claim through Sivaramiya. (2) That the Lower Court was prejudiced as the appellant did not agree to a compromise (3) that the Lower Court did not examine Plaintiff's witnesses.

The case was posted for final hearing on 2-6-97 and notices were accordingly issued × vide Plaint, Nos 13 & 15 of file and served.

On 4-6-97 the Dy Commr in his judgment recorded that × vide Plaint No 1.
as the 1st defendant & his father were in the enjoyment of the office for upwards of 50 years, it could not be made to revert to an elder branch, that the Plaintiff was the 4th in the family and his elder brothers were alive and that the office was not partible and confirmed the decision of the Lower Court.

On

on the same date, Ananthayya's petition was also rejected on similar grounds.

On 1-8-97 Ananthayya X appealed to Govt. claiming one of the three seats of the Archakas for himself on the following grounds:—

(1) That his father Timmappayya was a co-ordinate Stakkudar with the present officiator.

(2) That in recognition of the said right his father, but not getting a share in the income of the office.

(3) That the right is also recognized by the entry in the Circle Register.

X vide Petn No 457.

Thereupon on 26-8-97 a report with records was called X for from the Dy Comm: drawing his attention to Section XXIX of the Madras Police under which the same person cannot be in charge of more than one charge.

X vide B.M. Feb 327

On 5-11-97 Venkatachalayya X appeared before the Dy Comm: & suggesting that of the 18 villages of the Archa, the Shanabhogue of 5 villages might be given to him; and that of the 3 villages to his elder son Krishnappa

X vide deposition attached to Petn & its enclosures.

kinsman; that that of the remaining three villages to his 2nd Son Sivagnanam and that during the minority of his sons Gunasekera might be appointed.

On 13-11-97 the Dy Commr submitted the records observing that there was nothing to show that there was any division of Pirivu till the date of Pakka Photgi; that a scale could not be given to petr without the consent of the present officiator who has had the enjoyment in his family for upwards of 50 years and that Para 3c of the Photgi rules said that "the new officiator or officiators will be appointed from the family in which the Hak has been hitherto vested if a competent person can be found".

18.12.97 As the facts is not as clear as could be wished a summary of facts from below

5

Subject matter of the
case is the Shanbhogi of
1 Ryot in the Hosdurga
taluk. There is 11 Magani in the
taluk. There is 11 Magani in the
one Sirsha before 1867 but
was split into 2 in that
year. About the year 1890,
the Sirsha was constituted
into 3 Deals. While there
subdivisions were made in
the survey report (a copy of which is
partly attached) is not clear
from the records.

Memorandum
Clerk may kindly
& an email, again
with what information
which please
obtain
Asst
18.1.98

18/1/98

Drafted
28.1.98. Worked to by Chr
28/1/98 - 20/1/98

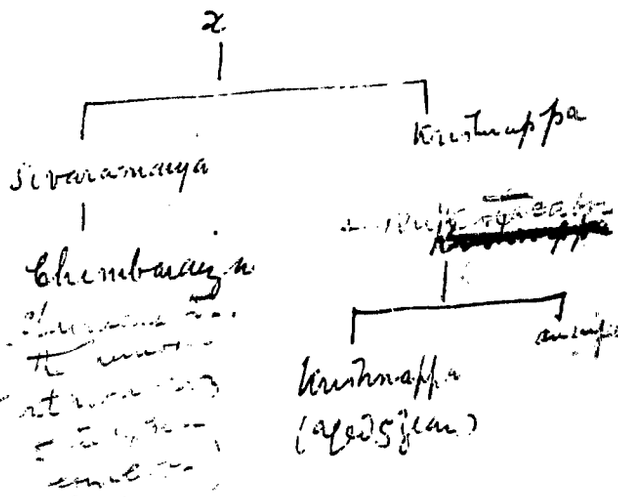
One Krishnappa was the 1st Patel
Shanbhog of this Sirsha from the
year 1839 to 1873 when he died.
His son Venkata Subbaiah succeeded
him & is the present Patel.
This man has 2 minor sons
aged 5 years & 1 year respectively.

Appellant Anantharamaiah
is one of Timmappayya
whose name is entered in
the Column of Inamdars in
the Barabandi Reg^r of 1840
but which does not appear
in the Reg^r of 1867. The Appellant
Anantharamaiah is not otherwise
related to Venkata Subbaiah

Timmappayya (name entered in the Reg^r of 1840)

Narayappa | Anantharamaiah (appellant)

Appellant has also produced authenticated copy of the Hindu Mumuckh's Judgment (dated in 1876) recognizing his & brother's title to the Sharbopi & allowing Thirtham & mean = & the year 1890, Narayappa as Appellant's brother presented a petition to the amildar praying that he & his brother might be put on charge of a scale each. Correspondence went on for 4 years without any final decision. The Appellant & his brother kept quiet for 2 years more as a suit filed by one Chickam Gowda - against of the Appellant's father Venkatappa was pending before the Revenue Asst Comr. When this suit was dismissed in 1897, the appellant presented a petn similar to the one presented by his brother in 1890. The Dy Comr wherein dismissing the appeal preferred by Chickam Gowda dismissed the appellant's petn on similar grounds Chickam Gowda has not appealed



19

In order to satisfy the rule (XXIX of the Orig Rules) that every Scale should have a separate Share bog, the Govt proposes that after giving one Scale to Venkatasubbiah. the other 2 scales may be registered in the names of his 2 minor sons, grandsons doing duty till the former attain majority.

The uncertainty of procedure that at present prevails in deciding claims under Sec^n 221(a) of the LR Code is illustrated by the records of this case. While Bhudamboya brings a regular suit for recovery of ½ share, the appellant and ~~file~~ presents a petition, with the same prayer get their cases decided, the one after 2 years & the other in 3 months. There is a file relating to these several questions but does not repose for submission pending the receipt of one or two reports.

M 3/1/98

* The Govt in this State that the matter was not one to be decided in a regular suit but here the lis are settled framed & judgment delivered - the whole occupying 2½ years

The Accountant's clerk has
gone to 4/3/98 shows that the
11 Rolls were divided into
3 sets of the Survey dept into
Ipswich Division 5 3/100, 80 7/8.
& 63½ B respectively
to the recipients is also to
notice his increase
for the six months ending,
Encl XIX of the Norfolk Rolls.
gives the apportionment to finish
relief 24/3/98

Bul- Ist Counsel

Anantaramaya was not made a party to the suit brought by Bhidambara. But Anantaramaya appeals against the DJ comm's order passed on the miscellaneous petition presented on 10/3/97. The DJ comm called for a report & the judgment passed in Bhidambara's appeal) on the merits (please see the order which is the 3rd paper from the last paper in the Record)

I have read this Ist & no note

from amidst the petition and passed an order (not very favourable

This order is also reproduced in the abstract of the appeal book & Ist

This order in Anantaramaya's case & the judgment in Bhidambara's case were passed on the same date (4/6/97)

= The question arises whether the DJ comm was justified in passing an order on the

when there was a revision next year can be noted — [illegible]

Merits on a miscellaneous application. The present practice in this respect is very loose (Note para 2 of Sec No 1407-14 Pet-181 5 31/7/97) each of comm[rs] putting his own interpretation as to the Spirit of paras 3 & 4 of Rule XLIII of the LR Rules.

= [The question raised in Sec No 1407-14 Pet 181 5 31/7/97 has been recently submitted to 2nd committee with the D comm[rs] reports. The unsuitability of Rule XLIII to regulate the procedure in the disposal of claims to villages is illustrated by this case. In Bombay an act of 85 sections - Act III of 1874 - has been found necessary to put an end to the excessive litigation regarding village offices]

12/5/98.

Seen & to be considered at the time of the Sec's visit

12/5/98

(1) 24

189 7

No. 2 [illegible] 14 97-98

Name of Petitioner [illegible]

Village [illegible]

Taluk [illegible]

District [illegible]

Date of Arzi [illegible]

Date of Receipt [illegible]

Date of Disposal

No. of Enclosures [illegible]

RACT.

[illegible]

ree;

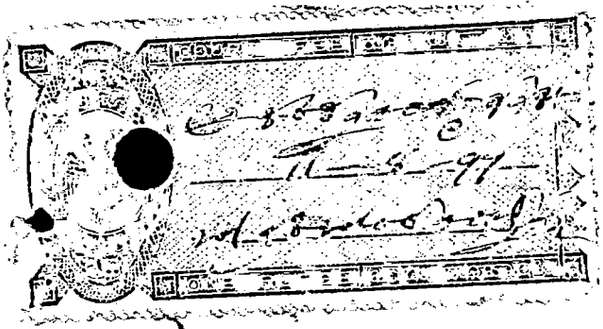
That the Complainants for the Carlboys with both the Defendants appellants [illegible] and Cockalubbu who is now on duty

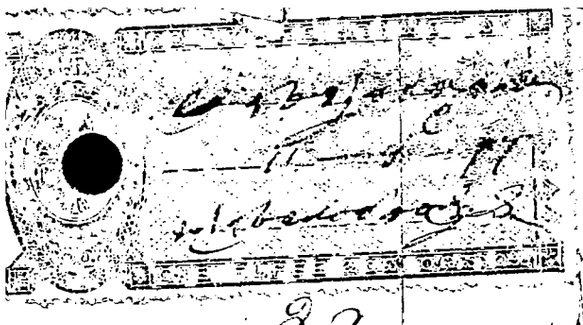
That from the Carlaboys Register - as also from the Statements of Kaveri [illegible] it will be seen that the weight of the said Two Hundreds, [illegible] of the Thanboyes both, has been diminished through theft.

That under the previous orders, that the Tirika of Kaccai Kassaba Thanboyes Carloys should be sold to 2 dealers.

That the said Complainants applied to the Deputy Commissioner for one of the said scales, but it was not granted - and an order passed by him according

That from the said order enclosed herein, that the Appellant is a Thukdar - a





11—8—97

Pet 327 26-8-97

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT

R 115—97.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

45 dated

received at the Dewan's Office, from

Chunta Ramiah and [illegible] of Hassan Kacha appeal against the Dy Comr's order refusing to put petitioner in charge of one of the scales of the Hassan Kacheri

is forwarded, together with its nine enclosures, to the Deputy Commissioner of Hassan District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

The Dy Comr's attention is drawn to Section XXIX of the Kohiji rules under which the same man cannot be in charge of more than one Cutcherry.

By order,

Secretary.

BANGALORE,

26th August 1897.

Submitted with Petition Rec'd 17/12/97

Precis (copy) Petition to Hon'ble C. Edwards Rec'd 2/12/97

Precis put up C.S.R. 8/12/97

Submitted with precis 18/12/97 AK 20/12/97

Sub'd to Hon'ble Councillor with Precis 31/1/98

Return 3/1/98.

37

Gen. [Serial No. 30.]

(5)

Gl. No. 3481 — 245

NOV. 97

1897

DEWAN'S OFFICE

From

The Commissioner,
Hassan District

To

The Chief Secretary to the
Government Dewan of Mysore.
General and Judicial.

L.R. 1757

813

Dated 13th November 1897.

Despatched

Received

Enclosures No. Petn & its encls: & Prod.

General No.

No. 507.

In reply to No: 827 & 26 Aug: 97

SUBJECT.

Submitting report on the petition from Ananthaa Ramaya alias Jammaiya of Hassan Kasba appealing against the Assistant's order refusing to grant petitioner charge of one of the three seats of the Hassan Kasba Pitha Sea.

References (to be entered only in the Dewan's Office.)

Petn returned 16.11.97

Refs put up AK 17/11/97

83

No 507

Office of the Deputy Commissioner
Hassan District

Dated, Hassan 13th November 1847

From

B. G. Krishniengar Esqr.
Deputy Commissioner
Hassan District

To The Secretary to the Government
of Mysore
General & Revenue Departments.

Sir,

Adverting to Peripad Memorandum
No. 327 dated 26th August last, forwarding
for report Petition from Ananda Kamujja
alias Kamujja, of Hassan Kasaba appealing
against my order refusing to put him in
charge of one of the 3 seales of the Hassan
Kasba Sirkha, I have the honor to state
that in the earliest Barabanda Regis-
-ter of 1840, one Krishnappa was said to
be the Nakdar and sale officiator of the
Hassan Sirkha, though other parties are
named as Nakdars and Sirsedars. Even
before that date he is said to have dis-
-charged the duty. On his death in 1873
his son, Venkatadasayja, the present officia-
-tor, succeeded him.

Before

2. Before survey settlement and Rakka Sodaji, the officiator with the other Rakkadars etc. is said to have been sharing the emoluments of the office and on this ground in 1890, one Nanjappa (the appellant's uterine brother) coming to know that the Rakka was split into 8 scales at the time of Rakka Sodaji, claimed one for himself. The Amildar, to whom Nanjappa presented his application, held an enquiry. The present officiator, Sankala Subbaiya, deposed that the applicant had no claim whatever for the office, as it was not recognized by the then Deputy Commissioner in Revenue O. S. No: 11 of 1877-78, and that decision was upheld by the Commissioner Sebtagram Division, in Revenue Appeal Suit No: 6 of 1877-78. He also said that in proof of this statement he was not able to produce the copies of the 2 decisions, as they were not given him, though applied for, owing to the records of the case being missing in the Mysore Deputy Commissioner's Office.

3. The present appellant based his claims on the statement of Krishnappa, the present officiator's father, made so long ago as in 1840, when evidently the arrangement of receiving moiety by the other Nakdars was in existence.

4. There is, however, nothing to show that there was any such division of Emirs till the date of Pakka Rotji settlement. Rotji is not however so portable and the appellant cannot share in it. As to a scale being given to the appellant, this, I think, cannot be done without the consent of the present officiator, who has had the enjoyment thereof for upwards of 50 years, in his family: Para 30 of the Rotji rules lays down that "the new officiator or officiators will be appointed from the family in which the Nuk has been hitherto vested, if a competent person can be found."

5. Venkatadasappa, present officiator, wishes

wishes that he may be permitted to do the duties of one scale of 5 villages as heretofore and that orders may be issued for the 2 scales being registered in each of his minor sons' names, recognizing Venkatanarayanappa and Nagappa as gumastas to do duty during the minority of his sons.

6. The petition, received with the Giyapp memo, with its Enclosures, and the records in Revenue Appeal case no: 3 of 1896-97 - Chikambariya vs Venkatasubbaiya & others, as per List attached thereto, are herewith submitted. The present Officiator's deposition given before me, is filed with the papers accompanying the General Accidents Commissioner's Cyadi - no: 157 dated 29th Ult.mo.
Fasli 1030

I have the honor to be,
Sir
Your most obedient Servant.

Deputy Commissioner
Hassan District.

37

(4) 1898

From

The Secretary to Govt
Genl & Revs. Depts

To

The Deputy Comr
L. R. 1154 of 97
824

Dated 27th

Despatched 28th Jany 1898

Received

General No. 1009 P

P. No. 928

Enclosures No.

The Dy. Comr's letter
No. 507 dated 13-11-97, re-
porting on the petn of Shanthi
Nanicah alias Kammaya of
Hassan, appealing against
the Comr's order refusing
to put petn in charge of one
of the 3 seals of the Shanbhogi
of Hassan taraka pikka-

In returning the
records and the petn with
its enclosures received with
the above, perusal and
resubmission, has the honor
to request the Dy. Comr
to be good as to report
whether
the subdivisions into 3
Seals

+ 28-1-98
28-1-98

38

Scales of the Hasanklaka
pilka about the year
1890, were made by the
Survey expert, with
separate Polgis Mauzawar and of so
the pahi attached of the villages comprised in, each Talu
as the extent to which
clear from the record

By order

per Secretary

28.1.98

Petition V
9/3

Ref= short ap-

19/3/98

Submitted to 2nd Comaller
with Precis Card

21/3/98 Mg

My 24/3/98

Rs 7-8-0 Qu
24.3.98.

I am afraid
we will have
to be heard again
on account of the
change in the rent
of the Comal
Nicapa [illegible] into a scale

Postage
Rs A. P.

1. Hassan.
2. Saukalapura.
3. Harihalli. } 106—"—"

1. Beeranahalli
2. Adavalli
3. Haralahalli
4. Gudekinahalli
5. Javanahalli } 86—4—"

1. Channapatna
2. Nagamangalli
3. Ramanathapura-halli } 63—8—"

Posted for hearing on 8th June 98

Gl. No. 671
No. Pet 495
17 MAR 0[illegible]
REVENUE OFFICE

(5)

en. Serial No. 31.] 1897

89

From

The Deputy Commissioner,
Hassan District.

To L.R. 15-55
845

The Secretary to the
Government of Mysore.
Revenue and Rev. Department
Bangalore.

Dated 14
Despatched 14 } March 1898.
Received

Enclosures—No. Petn. & Pl.

General No.
No. 911.

In reply to his docket No.
2009
928
dated the 23rd January
last, I have the honor to
state that the Hassan
Taluk was subdivided
into three circles by the
Survey Superintendent
and Postage was allotted
to each circle as shown
in the margin.

2— The Vernacular
papers, received with
the docket under re-
ference, are herewith
returned.

I have &c.
Deputy Commissioner
Hassan District

Telephone 454 (O) Dated

From

To

L-R. 115-57

Subject

Sir,

I am directed to forward herewith a copy of the letter No. 1-R. 115-57 dated 11.8.57 from the Secretary to Government, Revenue Department, Madras, on the subject noted above.

I am, Sir,

Your obedient servant,

41

By Order

for Secretary 24/6/98

Civil Appl. No. 1287-97 in Civil Appeal No. 1287-97 is posted before the Bench as per direction of the Hon'ble Court, Madras, for information, with reference to the docket order dated 23.6.98 in the above matter.

By Order

for Secretary 24/6/98

27-6-98

ఈ విషయం-లో కోర్టువారి ఆదేశం ప్రకారం
పైన్ చూడగా ఈ అప్పీలు 24-6-98 తేదీన
విచారణకు వస్తుంది — తెలియజేయడమైనది.

తేదీ 24 జూన్ 1998 సంవత్సరం —
ఇట్లు మీ విశ్వాసపాత్రులు By Order.

for Secretary